

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

MILTON VERAN WILLIAMS,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CIV-01-1918-C
)	
THE CITY OF GUTHRIE, et al.,)	
)	
Defendants.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the Report and Recommendation entered by the United States Magistrate Judge on October 28, 2005. The court file reflects that no party has objected to the Report and Recommendation within the time limits prescribed. Therefore, the Court adopts the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and the Court rules as follows: Defendant Tucker's Motion to Dismiss (Dkt. No. 237) is **DENIED**, and his Motion for Summary Judgment (Dkt. No. 212) is **GRANTED**. Defendant Fulton's Motion for Summary Judgment is **GRANTED** as to Plaintiff's claim of excessive force during the arrest and Plaintiff's claim of deliberate indifference to medical needs, but the motion is **DENIED** with respect to Plaintiff's Fourth Amendment claim regarding the in-home warrantless arrest and Plaintiff's excessive force claim arising from the alleged

choking incident while Plaintiff was a pre-trial detainee. Plaintiff's Motion to Appoint Counsel is granted.

IT IS SO ORDERED this 28th day of November, 2005.



ROBIN J. CAUTHRON
United States District Judge